

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

ROBERT F. KENNEDY, JR.,

Plaintiff,

v.

Docket No. 218-2023-cv-01019

DAVID VICKREY,

Defendant.

DECLARATION OF DAVID VICKREY

I, David Vickrey, depose and state under oath as follows:

1. I am over the age of 18 years old and otherwise competent to make this Declaration.
2. I reside at 5 Hamlin Street, Cape Elizabeth, ME. I have resided at this address since 2006.
3. I have lived in the State of Maine since 1996.
4. I have never resided in the State of New Hampshire.
5. I have never owned real property located in the State of New Hampshire.
6. Since 2003, I have published blog posts on the *Daily Kos* website under the pseudonym "Downeast Dem."
7. On August 29, 2020, I posted on a blog on the *Daily Kos* website. A true and accurate copy of this blog post is attached to my Declaration as Exhibit 1.
8. In the blog post dated August 29, 2020, I linked to a German article concerning an appearance by Robert F. Kennedy, Jr. at an event in Berlin, Germany.
9. I wrote and published the blog post from my home in Cape Elizabeth, ME.
10. The blog post did not reference or discuss New Hampshire.

11. I did not speak with any sources in New Hampshire as part of my publication of the blog post.

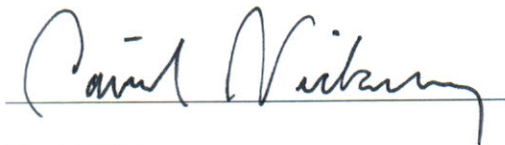
12. I have never published a blog post on the *Daily Kos* from within New Hampshire.

13. I have never engaged in any business related to or on behalf of *Daily Kos* within New Hampshire.

14. While I vehemently deny that my blog post was in any way libelous, any of the misconduct alleged by Mr. Kennedy occurred exclusively from my home in Maine.

15. On or about May 12, 2023, I received a letter from Attorney Robert E. Barnes of Barnes Law in Los Angeles, California. A true and accurate copy of this letter is attached to my Declaration as Exhibit 2. Attorney Barnes's letter included a draft Complaint that Mr. Kennedy intended to file against me in the United States District Court for the Southern District of New York. To the best of my knowledge and belief, Mr. Kennedy never filed this lawsuit in New York and instead sued me in New Hampshire.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 31 DAY OF OCTOBER, 2023.

A handwritten signature in black ink, appearing to read "David Vickrey", is written over a horizontal line.

David Vickrey

Exhibit 1

Search...

#donaldtrump (/tags/DonaldTrump) #ukraine (/tags/Ukraine) #community (/tags/Community) #russia (/tags/Russia)

Anti-Vaxxer RFK JR. joins neo-Nazis in massive Berlin 'Anti-Corona' Protest (/stories/2020/8/29/1973395/-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest)



DowneastDem (/users/downeastdem)

Community (This content is not subject to review by Daily Kos staff prior to publication.)

2020/08/29 · 18:06



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([https://twitter.com/intent/tweet?](https://twitter.com/intent/tweet?url=https%3A%2F%2Fwww.dailykos.com%2Fstories%2F2020%2F8%2F29%2F1973395%2F-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-Vaxxer+RFK+JR.+joins+neo-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest)

[url=https%3A%2F%2Fwww.dailykos.com%2Fstories%2F2020%2F8%2F29%2F1973395%2F-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-Vaxxer+RFK+JR.+joins+neo-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest](https://www.dailykos.com/stories/2020/8/29/1973395/-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest))

58 Comments 57 New ([https://www.dailykos.com/stories/2020/8/29/1973395/-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-](https://www.dailykos.com/stories/2020/8/29/1973395/-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest)

[massive-Berlin-Anti-Corona-Protest#comments](#))



RSS

(/user/DowneastDem/rss.xml)

PUBLISHED TO

DowneastDem
(/blogs/DowneastDem)

TAGS

#Berlin (/tags/Berlin)

#ConspiracyTheories
(/tags/ConspiracyTh...)

Tens of thousands 'Corona-Truthers' descended on Berlin today to protest the measures implemented by Angela Merkel and her government to prevent the coronavirus spread. What is ironic is that the preventative measures have been largely effective and life in Germany has largely returned to normal. Compared to the United States there have been fewer than 10,000 fatalities from COVID-19 in a population of 85 million. The protest was organized by right-wing extremist organizations- including the AfD party and various anti-Semitic conspiracy groups as well as the neo-Nazi NPD party.

Among the speakers was Robert F. Kennedy Jr (<https://www.tagesspiegel.de/berlin/bibelsprueche-trommeltanz-und-faschisten-zehntausende-demonstrieren-in-berlin-gegen-die-corona-massnahmen/26140564.html>).. who warned against the "totalitarianism" of Angela Merkel.

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article



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(<https://twitter.com/intent/tweet>

[os.com%2Fstories%2F2020%2F8%2F29%2F1973395%2F-
-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-
-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest](https://www.dailykos.com/stories/2020/8/29/1973395/-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest))

He sounded the alarm concerning the 5G mobile network and Microsoft founder Bill Gates. Referring to the famous Berlin speech of his uncle JFK he said "Today Berlin is is once again the front against totalitarianism."

Protester were seen carrying poster urging "Trump, Please Help" with the QAnon logo.

This content was created by a Daily Kos Community member.

Make *YOUR* voice heard!

Login (/login) or create an account (/signup).



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There are no unread comments at this time.



([https://twitter.com/intent/tweet?](https://twitter.com/intent/tweet?url=https%3A%2F%2Fwww.dailykos.com%2Fstories%2F2020%2F8%2F29%2F1973395%2F-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-Vaxxer+RFK+JR.+joins+neo-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest)

[url=https%3A%2F%2Fwww.dailykos.com%2Fstories%2F2020%2F8%2F29%2F1973395%2F-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-Vaxxer+RFK+JR.+joins+neo-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest\)](https://twitter.com/intent/tweet?url=https%3A%2F%2Fwww.dailykos.com%2Fstories%2F2020%2F8%2F29%2F1973395%2F-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest&text=Anti-Vaxxer+RFK+JR.+joins+neo-Nazis+in+massive+Berlin+%27Anti-Corona%27+Protest)

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[massive-Berlin-Anti-Corona-Protest#comments\)](https://www.dailykos.com/stories/2020/8/29/1973395/-Anti-Vaxxer-RFK-JR-joins-neo-Nazis-in-massive-Berlin-Anti-Corona-Protest#comments)

(<https://trk.healthy-tracker.com/ee33683c-081f-484f-9b1a-aa9698f03eca>)

Simple Japanese Trick for Nail Infection

Healthy Guru

(<https://trc.taboola.com/dailykos/log/3/click?pi=%2Fstories%2F2020%2F8%2F29%2F1973395%2F-anti-vaxxer-rfk-jr-joins-neo-nazis-in-massive-berlin-anti-corona-protest&ri=>

(<https://trk.healthy-tracker.com/ee33683c-081f-484f-9b1a-aa9698f03eca>)

(<https://track.healthy-living24.com/db956c63-2c69-4b8a-aedc-0f2d8a7218e4>)

Wear These Socks To Sleep For 1 Night, Then Brace Yourself

HealthyLiving24

(<https://track.healthy-living24.com/db956c63-2c69-4b8a-aedc-0f2d8a7218e4>)

(<https://lisen.shop/products/water-ready-elastic-sporty-step-in-sandal>)

I Have Neuropathy In My Feet And I Wear These Shoes All Day Long.

Exhibit 2

BARNES LAW

700 S. Flower Street, Suite 1000

Los Angeles, CA 90017

Telephone: (310) 510-6211; Email: robertbarnes@barneslawllp.com

May 12, 2023

Via overnight mail

David Vickery

5 Hamlin Street

Cape Elizabeth, ME 04107

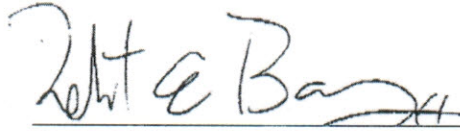
Re: Civil complaint against you.

Mr. Vickery:

Please be advised that I have been retained by Robert F. Kennedy, Jr. to pursue civil claims against you arising from defamatory statements you made about Mr. Kennedy in 2020. I am sending you this letter before filing the attached draft complaint, to give you the opportunity to discuss a monetary settlement of Mr. Kennedy's claims against you, at this early stage of the litigation.

Should you wish to settle this matter prior to the filing of the attached draft complaint, you must contact me directly on or before May 22, 2023. If I do not hear from you by then, I will have the attached complaint filed and pursue all monetary damages and relief afforded by the law against you. Thank you for your time and attention.

Regards,

A handwritten signature in black ink, appearing to read "Robert E. Barnes", with a stylized flourish at the end.

Robert E. Barnes, Esq.

BARNES LAW

inflammatory headline would serve as irresistible click-bait for readers curious to learn about Mr. Kennedy's purported association with Nazis.

3. Mr. Kennedy files this action to publicly establish the truth, to rehabilitate his name and reputation, and to seek appropriate remedies for the harm caused by Defendants' intentionally false statements.

PARTIES

4. Plaintiff Mr. Kennedy is, and at all times relevant hereto has been, a resident of Manhattan, New York.

5. Defendant David Vickery is, and at all times relevant hereto has been, a resident of Cape Elizabeth, Maine.

6. Mr. Kennedy is unaware of the true names and capacities of Defendants, whether individual, corporate, associate, or otherwise, named herein as Does 1 through 5 inclusive, and therefore sues said defendants by such fictitious names (the "Doe Defendants"). Mr. Kennedy will seek leave to amend this Complaint to state when their true names and capacities are ascertained.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, because the amount in controversy exceeds the statutory minimum and Mr. Kennedy alleges on information and belief that the parties are completely diverse.

8. Venue is proper under 28 U.S.C. § 1391(b)(2), in that a substantial portion of the events alleged herein occurred in this judicial district.

///

FACTUAL ALLEGATIONS

9. On or about August 29, 2020, Defendants published an article under the pseudonym Downeast Dem on the website Daily Kos with false headline: “Anti-Vaxxer RFK JR. joins neo-Nazis in massive Berlin ‘Anti-Corona’ Protest” (the “Defamatory Article”). The Defamatory Article further states: “The protest was organized by right-wing extremist organizations - including the AfD party and various anti-Semitic conspiracy groups as well as the neo-Nazi NPD party. Among the speakers was Robert F. Kennedy Jr., who warned against the ‘totalitarianism’ of Angela Merkel.”

10. The foregoing statements are false. Mr. Kennedy did not “join[] neo-Nazis” at a protest in Berlin, nor did Mr. Kennedy speak at a “protest [] organized by right-wing extremist organizations, including the AfD party and various anti-Semitic conspiracy groups as well as the neo-Nazi NPD party.”

11. In truth, Mr. Kennedy gave a speech at a protest for peace and freedom in Berlin on August 29, 2020, initiated by the group Querdenken—a democratic movement whose name means “lateral thinking” and who vehemently oppose all forms of fascism and extremism. Querdenken took great pains to assure that extremists from every position were excluded from its protest in Berlin. The single source cited by Defendants in the Defamatory Article, the German daily newspaper *Der Tagesspiegel* confirms the success of Querdenken’s efforts and the falsity of Defendants’ statements, including:

- There were “several corona-related gatherings on this day,” organized by different groups—not one uniform demonstration;
- The various demonstrations took place at different times and in different places throughout Berlin-Tiergarten (an area that expands over two square miles);

- A person interviewed during one of the demonstrations said she had not seen any neo-Nazis in the crowd;
- Mr. Kennedy spoke at around 4 pm at the Brandenburg Gate and there were Hare Krishna supporters dancing in the audience;
- Around the time Mr. Kennedy was speaking, right-wing extremists gathered at a separate demonstration in front of the Reichstag.

12. Despite requests from Mr. Kennedy, Defendants have failed and refused to take down the Defamatory Article.

COUNT I

LIBEL

13. Mr. Kennedy realleges and incorporates by this reference Paragraphs 1 through 12 of this Complaint as though fully set forth therein.

14. The Defamatory Article is not privileged and is false and defamatory. Mr. Kennedy alleges on information and belief that the Defamatory Article was intended by Defendants to directly injure him with respect to his professional reputation, character, trade and business in New York and around the world.

15. The Defamatory Article is susceptible of a defamatory meaning on its face in that it has a direct tendency to injure Mr. Kennedy with respect to his reputation, character, trade and business.

16. Mr. Kennedy alleges on information and belief that at the time Defendants published the Defamatory Article, they knew that the Article was false or had no reasonable grounds for believing it to be true. Mr. Kennedy is informed and believes and based thereon alleges that the Defamatory Article was disseminated recklessly and with actual malice, with the

knowledge that it was false, or with a reckless disregard for the truth.

17. The Defamatory Article exposes Mr. Kennedy to hatred, contempt, ridicule and obloquy, and/or cause him to be shunned or avoided and has a tendency to injure him in his occupation in New York and around the world.

18. As a direct and proximate result of the above-described conduct by Defendants, Mr. Kennedy has suffered general and special damages in an amount not presently known to him but believed to be not less than the jurisdictional minimum of this Court, including damage to Mr. Kennedy's reputation and standing in the community, shame, mortification, hurt feelings, embarrassment, and humiliation.

19. Mr. Kennedy is informed and believes and based thereon alleges that the aforesaid acts of Defendants were done intentionally or with a conscious disregard of his rights, and with an intent to vex, injure or annoy him, such as to constitute oppression, fraud or malice, thus entitling him to exemplary and punitive damages in an amount appropriate to punish or set an example of Defendants and to deter such conduct in the future, which amount will be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Mr. Kennedy demands judgment against Defendants as follows:

1. On the First Count, for general, special, punitive, and exemplary damages from Defendants in an amount to be determined at the time of trial, but believed to be not less than the jurisdictional minimum of this Court, together with interest thereon at the maximum legal rate.
2. On the First Count, for recovery of costs in connection with this suit.
3. For such further and other relief as this Court deems just and proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial in this action on all issues and claims triable to a jury.

Dated: May 23, 2023

/s/ Robert E. Barnes, Esq. _____
Robert E. Barnes, Esq.
Email: robertbarnes@barneslawllp.com
BARNES LAW
700 South Flower Street, Suite 1000
Los Angeles, California 90017
Telephone: (310) 510-6211

Counsel for Plaintiff